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JUAN PABLO VELAZQUEZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN PABLO VELAZQUEZ,

Defendant.

No. Cr. S 04-388 MCE

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable MORRISON C. ENGLAND, Jr.

Defendant, JUAN PABLO VELAZQUEZ by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On May 17, 2007, this Court sentenced Mr. Velazquez to a term of 135 months imprisonment;

3. His total offense level was 31, his criminal history category was III, and the resulting guideline range was 135 to 168 months;

4. The sentencing range applicable to Mr. Velazquez was subsequently lowered by the United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014, see 79 Fed. Reg. 44,973;

5. Mr. Velazquez's total offense level has been reduced from 31 to 29, and his amended guideline range is 108 to 135 months; however, he is subject to a mandatory minimum sentence of 120 months;

6. Accordingly, the parties request the Court enter the order lodged herewith reducing Mr. Velazquez's term of imprisonment to a term of 120 months.

Respectfully submitted,

Dated: February 19, 2015

Dated: February 19, 2015

BENJAMIN B. WAGNER
United States Attorney

HEATHER E. WILLIAMS
Federal Defender

/s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Defendant
JUAN PABLO VELAZQUEZ

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Velazquez is entitled to the benefit Amendment 782, which reduces the total offense level from 31 to 29, resulting in an amended guideline range of 108 to 135 months; however, he is subject to a mandatory minimum sentence of 120 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in May 2007 is reduced to a term of 120 months.


IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above

1 reduction in sentence, and shall serve certified copies of the amended judgment on the United
2 States Bureau of Prisons and the United States Probation Office.

3 Unless otherwise ordered, Mr. Velazquez shall report to the United States Probation
4 Office within seventy-two hours after his release.

5 IT IS SO ORDERED.

6 Dated: February 23, 2015

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8 MORRISON C. ENGLAND, JR., CHIEF JUDGE
9 UNITED STATES DISTRICT COURT
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